

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

DEBRA CARR,

Plaintiff,

v.

MIDLAND CREDIT MANAGEMENT,
INC. and GORDON, AYLWORTH, &
TAMI, P.C.,

Defendants.

Case No.

**DEFENDANT MIDLAND CREDIT
MANAGEMENT, INC.'S NOTICE OF
REMOVAL**

TO THE CLERK OF THE COURT:

PLEASE TAKE NOTICE that defendant Midland Credit Management, Inc. ("Midland"), pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, hereby removes the above-captioned action from the Superior Court of the State of Washington for King County. In support of removal, Midland states as follows.

GROUND FOR REMOVAL

1. On May 31, 2024, plaintiff Debra Carr served Midland with a Summons and Complaint For Violations of 15 U.S.C. § 1692, *et seq.*, and RCW Chapters 19.16 and 19.86, *et seq.*, to be filed in the Superior Court of the State of Washington for King County. Service of the summons and complaint upon Midland commenced the state-court action pursuant to

1 Washington Superior Court Civil Rule 3(a).

2 2. A true and correct copy of all process, pleadings, and orders served upon Midland
3 in the state-court action is attached as **Exhibit A**, pursuant to 28 U.S.C. § 1446(a).

4 3. Pursuant to LCR 101(b)(1), a true and correct copy of the operative complaint in
5 the state-court action is submitted as a separate attachment in the Court's electronic filing
6 system, labeled as the "Complaint." Pursuant to LCR 101(b)(2), a certificate of service listing
7 contact information for all counsel who have appeared in the action follows below. Pursuant to
8 LCR 101(b)(4), a completed Civil Cover Sheet is submitted with this notice. Pursuant to LCR
9 101(c), undersigned counsel for Midland verifies that Exhibit A contains true and correct copies
10 of all records and proceedings in the state-court action.

11 **A. The Court has jurisdiction based on the presence of federal questions.**

12 4. The United States District Court for the Western District of Washington has
13 original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the
14 United States. 28 U.S.C. § 1331. Here, plaintiff's complaint alleges violations of the federal Fair
15 Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.* (*See* Ex. A ¶¶ 26–33.) The
16 FDCPA expressly allows claims arising under it to be "brought in any appropriate United States
17 district court without regard to the amount in controversy." 15 U.S.C. § 1692k(d).

18 5. This Court accordingly has original jurisdiction over this action. *See* 28 U.S.C. §
19 1331; *see also Lee v. Blumenthal*, 588 F.2d 1281, 1282 (9th Cir. 1979) ("The district courts have
20 jurisdiction of actions that arise under the laws of the United States.").

21 6. Because this Court has original jurisdiction over the action, it may also exercise
22 supplemental jurisdiction over plaintiff's state-law claims, which arise from the same case or
23 controversy. *See* 28 U.S.C. § 1367.

24 **B. All procedural requirements for removal are satisfied.**

25 7. This notice of removal is timely under 28 U.S.C. § 1446(b) because it is filed
26 within 30 days of Midland's receipt of the initial pleading and summons in the state-court action.

9. Written notice of this notice of removal will be served promptly on plaintiff and submitted to the clerk of the state court pursuant to 28 U.S.C. § 1446(d).

10. Venue is proper in the Seattle division of this Court pursuant to 28 U.S.C. § 1441(a), because the Superior Court of the State of Washington for King County is a state court within the Western District of Washington's Seattle division. Defendant Midland reserves, and does not waive, any objection it may have to service, jurisdiction, or venue, and any and all other defenses or objections to this action.

WHEREFORE, Midland hereby removes this action, now pending in the Superior Court of the State of Washington for King County, to the Seattle division of the United States District Court for the Western District of Washington, without waiver of any defenses or objections.

Dated this 28th day of June, 2024.

HOLLAND & KNIGHT LLP

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CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing DEFENDANT MIDLAND CREDIT MANAGEMENT, INC'S NOTICE OF REMOVAL to be served on the following person[s]:

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by causing the document to be delivered by the following indicated method or methods:

☒ by CM/ECF electronically mailed notice from the Court on the date set forth below.

☐ by mailing full, true and correct copies thereof in sealed, first class postage prepaid envelopes, addressed to the parties and/or their attorneys as shown above, to the last-known office addresses of the parties and/or attorneys, and deposited with the United States Postal Service at Portland, Oregon, on the date set forth below.

☐ by causing full, true, and correct copies thereof to be hand-delivered to the parties and/or their attorneys at their last-known office addresses listed above on the date set forth below.

☐ by sending full, true, and correct copies thereof, via overnight courier in sealed, prepaid envelopes, addressed to the parties and/or their attorneys as shown above, to the last-known office addresses of the parties and/or their attorneys, on the date set forth below.

☐ by faxing full, true, and correct copies thereof to the fax machines which are the last-known fax numbers for the parties' and/or attorneys' offices, on the date set forth below.

DATED 28th of June, 2024

/s/ Garrett Garfield